



Rep. Elaine Nekritz

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LRB100 11385 SLF 23715 a

1 AMENDMENT TO HOUSE BILL 3817

2 AMENDMENT NO. _____. Amend House Bill 3817, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Juvenile Court Act of 1987 is amended by
6 changing Sections 1-7, 1-8, and 5-915 as follows:

7 (705 ILCS 405/1-7) (from Ch. 37, par. 801-7)

8 Sec. 1-7. Confidentiality of law enforcement and municipal
9 ordinance violation records.

10 (A) All juvenile records which have not been expunged are
11 sealed and may never be disclosed to the general public or
12 otherwise made widely available. Sealed records may be obtained
13 only under this Section and Section 1-8 and 5-915 of this Act,
14 when their use is needed for good cause and with an order from
15 the juvenile court, as required by those not authorized to
16 retain them. Inspection and copying of law enforcement records

1 maintained by law enforcement agencies or records of municipal
2 ordinance violations maintained by any State, local, or
3 municipal agency that relate to a minor who has been
4 investigated, arrested, or taken into custody before his or her
5 18th birthday shall be restricted to the following:

6 (1) Any local, State or federal law enforcement
7 officers of any jurisdiction or agency when necessary for
8 the discharge of their official duties during the
9 investigation or prosecution of a crime or relating to a
10 minor who has been adjudicated delinquent and there has
11 been a previous finding that the act which constitutes the
12 previous offense was committed in furtherance of criminal
13 activities by a criminal street gang, or, when necessary
14 for the discharge of its official duties in connection with
15 a particular investigation of the conduct of a law
16 enforcement officer, an independent agency or its staff
17 created by ordinance and charged by a unit of local
18 government with the duty of investigating the conduct of
19 law enforcement officers. For purposes of this Section,
20 "criminal street gang" has the meaning ascribed to it in
21 Section 10 of the Illinois Streetgang Terrorism Omnibus
22 Prevention Act.

23 (2) Prosecutors, probation officers, social workers,
24 or other individuals assigned by the court to conduct a
25 pre-adjudication or pre-disposition investigation, and
26 individuals responsible for supervising or providing

1 temporary or permanent care and custody for minors pursuant
2 to the order of the juvenile court, when essential to
3 performing their responsibilities.

4 (3) Prosecutors and probation officers:

5 (a) in the course of a trial when institution of
6 criminal proceedings has been permitted or required
7 under Section 5-805; or

8 (b) when institution of criminal proceedings has
9 been permitted or required under Section 5-805 and such
10 minor is the subject of a proceeding to determine the
11 amount of bail; or

12 (c) when criminal proceedings have been permitted
13 or required under Section 5-805 and such minor is the
14 subject of a pre-trial investigation, pre-sentence
15 investigation, fitness hearing, or proceedings on an
16 application for probation.

17 (4) Adult and Juvenile Prisoner Review Board.

18 (5) Authorized military personnel.

19 (6) Persons engaged in bona fide research, with the
20 permission of the Presiding Judge of the Juvenile Court and
21 the chief executive of the respective law enforcement
22 agency; provided that publication of such research results
23 in no disclosure of a minor's identity and protects the
24 confidentiality of the minor's record.

25 (7) Department of Children and Family Services child
26 protection investigators acting in their official

1 capacity.

2 (8) The appropriate school official only if the agency
3 or officer believes that there is an imminent threat of
4 physical harm to students, school personnel, or others who
5 are present in the school or on school grounds.

6 (A) Inspection and copying shall be limited to law
7 enforcement records transmitted to the appropriate
8 school official or officials whom the school has
9 determined to have a legitimate educational or safety
10 interest by a local law enforcement agency under a
11 reciprocal reporting system established and maintained
12 between the school district and the local law
13 enforcement agency under Section 10-20.14 of the
14 School Code concerning a minor enrolled in a school
15 within the school district who has been arrested or
16 taken into custody for any of the following offenses:

17 (i) any violation of Article 24 of the Criminal
18 Code of 1961 or the Criminal Code of 2012;

19 (ii) a violation of the Illinois Controlled
20 Substances Act;

21 (iii) a violation of the Cannabis Control Act;

22 (iv) a forcible felony as defined in Section
23 2-8 of the Criminal Code of 1961 or the Criminal
24 Code of 2012;

25 (v) a violation of the Methamphetamine Control
26 and Community Protection Act;

1 (vi) a violation of Section 1-2 of the
2 Harassing and Obscene Communications Act;

3 (vii) a violation of the Hazing Act; or

4 (viii) a violation of Section 12-1, 12-2,
5 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.4, 12-3.5,
6 12-5, 12-7.3, 12-7.4, 12-7.5, 25-1, or 25-5 of the
7 Criminal Code of 1961 or the Criminal Code of 2012.

8 The information derived from the law enforcement
9 records shall be kept separate from and shall not
10 become a part of the official school record of that
11 child and shall not be a public record. The information
12 shall be used solely by the appropriate school official
13 or officials whom the school has determined to have a
14 legitimate educational or safety interest to aid in the
15 proper rehabilitation of the child and to protect the
16 safety of students and employees in the school. If the
17 designated law enforcement and school officials deem
18 it to be in the best interest of the minor, the student
19 may be referred to in-school or community based social
20 services if those services are available.
21 "Rehabilitation services" may include interventions by
22 school support personnel, evaluation for eligibility
23 for special education, referrals to community-based
24 agencies such as youth services, behavioral healthcare
25 service providers, drug and alcohol prevention or
26 treatment programs, and other interventions as deemed

1 appropriate for the student.

2 (B) Any information provided to appropriate school
3 officials whom the school has determined to have a
4 legitimate educational or safety interest by local law
5 enforcement officials about a minor who is the subject
6 of a current police investigation that is directly
7 related to school safety shall consist of oral
8 information only, and not written law enforcement
9 records, and shall be used solely by the appropriate
10 school official or officials to protect the safety of
11 students and employees in the school and aid in the
12 proper rehabilitation of the child. The information
13 derived orally from the local law enforcement
14 officials shall be kept separate from and shall not
15 become a part of the official school record of the
16 child and shall not be a public record. This limitation
17 on the use of information about a minor who is the
18 subject of a current police investigation shall in no
19 way limit the use of this information by prosecutors in
20 pursuing criminal charges arising out of the
21 information disclosed during a police investigation of
22 the minor. For purposes of this paragraph,
23 "investigation" means an official systematic inquiry
24 by a law enforcement agency into actual or suspected
25 criminal activity.

26 (9) Mental health professionals on behalf of the

1 Illinois Department of Corrections or the Department of
2 Human Services or prosecutors who are evaluating,
3 prosecuting, or investigating a potential or actual
4 petition brought under the Sexually Violent Persons
5 Commitment Act relating to a person who is the subject of
6 juvenile law enforcement records or the respondent to a
7 petition brought under the Sexually Violent Persons
8 Commitment Act who is the subject of the juvenile law
9 enforcement records sought. Any records and any
10 information obtained from those records under this
11 paragraph (9) may be used only in sexually violent persons
12 commitment proceedings.

13 (10) The president of a park district. Inspection and
14 copying shall be limited to law enforcement records
15 transmitted to the president of the park district by the
16 Illinois State Police under Section 8-23 of the Park
17 District Code or Section 16a-5 of the Chicago Park District
18 Act concerning a person who is seeking employment with that
19 park district and who has been adjudicated a juvenile
20 delinquent for any of the offenses listed in subsection (c)
21 of Section 8-23 of the Park District Code or subsection (c)
22 of Section 16a-5 of the Chicago Park District Act.

23 (B) (1) Except as provided in paragraph (2), no law
24 enforcement officer or other person or agency may knowingly
25 transmit to the Department of Corrections or the Department
26 of State Police or to the Federal Bureau of Investigation

1 any fingerprint or photograph relating to a minor who has
2 been arrested or taken into custody before his or her 18th
3 birthday, unless the court in proceedings under this Act
4 authorizes the transmission or enters an order under
5 Section 5-805 permitting or requiring the institution of
6 criminal proceedings.

7 (2) Law enforcement officers or other persons or
8 agencies shall transmit to the Department of State Police
9 copies of fingerprints and descriptions of all minors who
10 have been arrested or taken into custody before their 18th
11 birthday for the offense of unlawful use of weapons under
12 Article 24 of the Criminal Code of 1961 or the Criminal
13 Code of 2012, a Class X or Class 1 felony, a forcible
14 felony as defined in Section 2-8 of the Criminal Code of
15 1961 or the Criminal Code of 2012, or a Class 2 or greater
16 felony under the Cannabis Control Act, the Illinois
17 Controlled Substances Act, the Methamphetamine Control and
18 Community Protection Act, or Chapter 4 of the Illinois
19 Vehicle Code, pursuant to Section 5 of the Criminal
20 Identification Act. Information reported to the Department
21 pursuant to this Section may be maintained with records
22 that the Department files pursuant to Section 2.1 of the
23 Criminal Identification Act. Nothing in this Act prohibits
24 a law enforcement agency from fingerprinting a minor taken
25 into custody or arrested before his or her 18th birthday
26 for an offense other than those listed in this paragraph

1 (2).

2 (C) The records of law enforcement officers, or of an
3 independent agency created by ordinance and charged by a unit
4 of local government with the duty of investigating the conduct
5 of law enforcement officers, concerning all minors under 18
6 years of age must be maintained separate from the records of
7 arrests and may not be open to public inspection or their
8 contents disclosed to the public ~~except by order of the court~~
9 ~~presiding over matters pursuant to this Act or when the~~
10 ~~institution of criminal proceedings has been permitted or~~
11 ~~required under Section 5-805 or such a person has been~~
12 ~~convicted of a crime and is the subject of pre-sentence~~
13 ~~investigation or proceedings on an application for probation or~~
14 ~~when provided by law.~~ For purposes of obtaining documents under
15 ~~pursuant to~~ this Section, a civil subpoena is not an order of
16 the court.

17 (1) In cases where the law enforcement, or independent
18 agency, records concern a pending juvenile court case, the
19 party seeking to inspect the records shall provide actual
20 notice to the attorney or guardian ad litem of the minor
21 whose records are sought.

22 (2) In cases where the records concern a juvenile court
23 case that is no longer pending, the party seeking to
24 inspect the records shall provide actual notice to the
25 minor or the minor's parent or legal guardian, and the
26 matter shall be referred to the chief judge presiding over

1 matters pursuant to this Act.

2 (3) In determining whether the records should be
3 available for inspection, the court shall consider the
4 minor's interest in confidentiality and rehabilitation
5 over the moving party's interest in obtaining the
6 information. Any records obtained in violation of this
7 subsection (C) shall not be admissible in any criminal or
8 civil proceeding, or operate to disqualify a minor from
9 subsequently holding public office or securing employment,
10 or operate as a forfeiture of any public benefit, right,
11 privilege, or right to receive any license granted by
12 public authority.

13 (D) Nothing contained in subsection (C) of this Section
14 shall prohibit the inspection or disclosure to victims and
15 witnesses of photographs contained in the records of law
16 enforcement agencies when the inspection and disclosure is
17 conducted in the presence of a law enforcement officer for the
18 purpose of the identification or apprehension of any person
19 subject to the provisions of this Act or for the investigation
20 or prosecution of any crime.

21 (E) Law enforcement officers, and personnel of an
22 independent agency created by ordinance and charged by a unit
23 of local government with the duty of investigating the conduct
24 of law enforcement officers, may not disclose the identity of
25 any minor in releasing information to the general public as to
26 the arrest, investigation or disposition of any case involving

1 a minor.

2 (F) Nothing contained in this Section shall prohibit law
3 enforcement agencies from communicating with each other by
4 letter, memorandum, teletype or intelligence alert bulletin or
5 other means the identity or other relevant information
6 pertaining to a person under 18 years of age if there are
7 reasonable grounds to believe that the person poses a real and
8 present danger to the safety of the public or law enforcement
9 officers. The information provided under this subsection (F)
10 shall remain confidential and shall not be publicly disclosed,
11 except as otherwise allowed by law.

12 (G) Nothing in this Section shall prohibit the right of a
13 Civil Service Commission or appointing authority of any state,
14 county or municipality examining the character and fitness of
15 an applicant for employment with a law enforcement agency,
16 correctional institution, or fire department from obtaining
17 and examining the records of any law enforcement agency
18 relating to any record of the applicant having been arrested or
19 taken into custody before the applicant's 18th birthday.

20 (H) The changes made to this Section by Public Act 98-61
21 apply to law enforcement records of a minor who has been
22 arrested or taken into custody on or after January 1, 2014 (the
23 effective date of Public Act 98-61).

24 (I) Willful violation of this Section is a Class C
25 misdemeanor and each violation is subject to a fine of \$1,000.
26 This subsection (I) shall not apply to the person who is the

1 subject of the record.

2 (J) A person convicted of violating this Section is liable
3 for damages in the amount of \$1,000 or actual damages,
4 whichever is greater.

5 (Source: P.A. 98-61, eff. 1-1-14; 98-756, eff. 7-16-14; 99-298,
6 eff. 8-6-15.)

7 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

8 Sec. 1-8. Confidentiality and accessibility of juvenile
9 court records.

10 (A) A juvenile adjudication shall never be considered a
11 conviction nor shall an adjudicated individual be considered a
12 criminal. Unless expressly allowed by law, a juvenile
13 adjudication shall not operate to impose upon the individual
14 any of the civil disabilities ordinarily imposed by or
15 resulting from conviction. Adjudications shall not prejudice
16 or disqualify the individual in any civil service application
17 or appointment, from holding public office, or from receiving
18 any license granted by public authority. All juvenile records
19 which have not been expunged are sealed and may never be
20 disclosed to the general public or otherwise made widely
21 available. Sealed records may be obtained only under this
22 Section and Section 1-7 and Section 5-915 of this Act, when
23 their use is needed for good cause and with an order from the
24 juvenile court, as required by those not authorized to retain
25 them. Inspection and copying of juvenile court records relating

1 to a minor who is the subject of a proceeding under this Act
2 shall be restricted to the following:

3 (1) The minor who is the subject of record, his
4 parents, guardian and counsel.

5 (2) Law enforcement officers and law enforcement
6 agencies when such information is essential to executing an
7 arrest or search warrant or other compulsory process, or to
8 conducting an ongoing investigation or relating to a minor
9 who has been adjudicated delinquent and there has been a
10 previous finding that the act which constitutes the
11 previous offense was committed in furtherance of criminal
12 activities by a criminal street gang.

13 Before July 1, 1994, for the purposes of this Section,
14 "criminal street gang" means any ongoing organization,
15 association, or group of 3 or more persons, whether formal
16 or informal, having as one of its primary activities the
17 commission of one or more criminal acts and that has a
18 common name or common identifying sign, symbol or specific
19 color apparel displayed, and whose members individually or
20 collectively engage in or have engaged in a pattern of
21 criminal activity.

22 Beginning July 1, 1994, for purposes of this Section,
23 "criminal street gang" has the meaning ascribed to it in
24 Section 10 of the Illinois Streetgang Terrorism Omnibus
25 Prevention Act.

26 (3) Judges, hearing officers, prosecutors, probation

1 officers, social workers or other individuals assigned by
2 the court to conduct a pre-adjudication or predisposition
3 investigation, and individuals responsible for supervising
4 or providing temporary or permanent care and custody for
5 minors pursuant to the order of the juvenile court when
6 essential to performing their responsibilities.

7 (4) Judges, prosecutors and probation officers:

8 (a) in the course of a trial when institution of
9 criminal proceedings has been permitted or required
10 under Section 5-805; or

11 (b) when criminal proceedings have been permitted
12 or required under Section 5-805 and a minor is the
13 subject of a proceeding to determine the amount of
14 bail; or

15 (c) when criminal proceedings have been permitted
16 or required under Section 5-805 and a minor is the
17 subject of a pre-trial investigation, pre-sentence
18 investigation or fitness hearing, or proceedings on an
19 application for probation; or

20 (d) when a minor becomes 18 years of age or older,
21 and is the subject of criminal proceedings, including a
22 hearing to determine the amount of bail, a pre-trial
23 investigation, a pre-sentence investigation, a fitness
24 hearing, or proceedings on an application for
25 probation.

26 (5) Adult and Juvenile Prisoner Review Boards.

1 (6) Authorized military personnel.

2 (7) Victims, their subrogees and legal
3 representatives; however, such persons shall have access
4 only to the name and address of the minor and information
5 pertaining to the disposition or alternative adjustment
6 plan of the juvenile court.

7 (8) Persons engaged in bona fide research, with the
8 permission of the presiding judge of the juvenile court and
9 the chief executive of the agency that prepared the
10 particular records; provided that publication of such
11 research results in no disclosure of a minor's identity and
12 protects the confidentiality of the record.

13 (9) The Secretary of State to whom the Clerk of the
14 Court shall report the disposition of all cases, as
15 required in Section 6-204 of the Illinois Vehicle Code.
16 However, information reported relative to these offenses
17 shall be privileged and available only to the Secretary of
18 State, courts, and police officers.

19 (10) The administrator of a bonafide substance abuse
20 student assistance program with the permission of the
21 presiding judge of the juvenile court.

22 (11) Mental health professionals on behalf of the
23 Illinois Department of Corrections or the Department of
24 Human Services or prosecutors who are evaluating,
25 prosecuting, or investigating a potential or actual
26 petition brought under the Sexually Violent Persons

1 Commitment Act relating to a person who is the subject of
2 juvenile court records or the respondent to a petition
3 brought under the Sexually Violent Persons Commitment Act,
4 who is the subject of juvenile court records sought. Any
5 records and any information obtained from those records
6 under this paragraph (11) may be used only in sexually
7 violent persons commitment proceedings.

8 (A-1) Findings and exclusions of paternity entered in
9 proceedings occurring under Article II of this Act shall be
10 disclosed, in a manner and form approved by the Presiding Judge
11 of the Juvenile Court, to the Department of Healthcare and
12 Family Services when necessary to discharge the duties of the
13 Department of Healthcare and Family Services under Article X of
14 the Illinois Public Aid Code.

15 (B) A minor who is the victim in a juvenile proceeding
16 shall be provided the same confidentiality regarding
17 disclosure of identity as the minor who is the subject of
18 record.

19 (C) Juvenile ~~Except as otherwise provided in this~~
20 ~~subsection (C), juvenile court records shall not be made~~
21 ~~available to the general public. Subject to the limitations in~~
22 ~~paragraphs (0.1) through (0.4) of this subsection (C), the~~
23 ~~judge presiding over a juvenile court proceeding brought under~~
24 ~~this Act, in his or her discretion, may order that juvenile~~
25 ~~court records of an individual case be made available for~~
26 ~~inspection upon request by a representative of an agency,~~

1 ~~association, or news media entity or by a properly interested~~
2 ~~person.~~ For purposes of inspecting documents under this Section
3 ~~subsection (C)~~, a civil subpoena is not an order of the court.

4 (0.1) In cases where the records concern a pending
5 juvenile court case, the requesting party seeking to
6 inspect the juvenile court records shall provide actual
7 notice to the attorney or guardian ad litem of the minor
8 whose records are sought.

9 (0.2) In cases where the records concern a juvenile
10 court case that is no longer pending, the requesting party
11 seeking to inspect the juvenile court records shall provide
12 actual notice to the minor or the minor's parent or legal
13 guardian, and the matter shall be referred to the chief
14 judge presiding over matters pursuant to this Act.

15 (0.3) In determining whether records should be made
16 available for inspection and whether inspection should be
17 limited to certain parts of the file, the court shall
18 consider the minor's interest in confidentiality and
19 rehabilitation over the requesting party's interest in
20 obtaining the information. The State's Attorney, the
21 minor, and the minor's parents, guardian, and counsel shall
22 at all times have the right to examine court files and
23 records.

24 (0.4) Any records obtained in violation of this Section
25 ~~subsection (C)~~ shall not be admissible in any criminal or
26 civil proceeding, or operate to disqualify a minor from

1 subsequently holding public office, or operate as a
2 forfeiture of any public benefit, right, privilege, or
3 right to receive any license granted by public authority.

4 ~~(1) The court shall allow the general public to have~~
5 ~~access to the name, address, and offense of a minor who is~~
6 ~~adjudicated a delinquent minor under this Act under either~~
7 ~~of the following circumstances:~~

8 ~~(A) The adjudication of delinquency was based upon~~
9 ~~the minor's commission of first degree murder, attempt~~
10 ~~to commit first degree murder, aggravated criminal~~
11 ~~sexual assault, or criminal sexual assault; or~~

12 ~~(B) The court has made a finding that the minor was~~
13 ~~at least 13 years of age at the time the act was~~
14 ~~committed and the adjudication of delinquency was~~
15 ~~based upon the minor's commission of: (i) an act in~~
16 ~~furtherance of the commission of a felony as a member~~
17 ~~of or on behalf of a criminal street gang, (ii) an act~~
18 ~~involving the use of a firearm in the commission of a~~
19 ~~felony, (iii) an act that would be a Class X felony~~
20 ~~offense under or the minor's second or subsequent Class~~
21 ~~2 or greater felony offense under the Cannabis Control~~
22 ~~Act if committed by an adult, (iv) an act that would be~~
23 ~~a second or subsequent offense under Section 402 of the~~
24 ~~Illinois Controlled Substances Act if committed by an~~
25 ~~adult, (v) an act that would be an offense under~~
26 ~~Section 401 of the Illinois Controlled Substances Act~~

1 ~~if committed by an adult, (vi) an act that would be a~~
2 ~~second or subsequent offense under Section 60 of the~~
3 ~~Methamphetamine Control and Community Protection Act,~~
4 ~~or (vii) an act that would be an offense under another~~
5 ~~Section of the Methamphetamine Control and Community~~
6 ~~Protection Act.~~

7 ~~(2) The court shall allow the general public to have~~
8 ~~access to the name, address, and offense of a minor who is~~
9 ~~at least 13 years of age at the time the offense is~~
10 ~~committed and who is convicted, in criminal proceedings~~
11 ~~permitted or required under Section 5-4, under either of~~
12 ~~the following circumstances:~~

13 ~~(A) The minor has been convicted of first degree~~
14 ~~murder, attempt to commit first degree murder,~~
15 ~~aggravated criminal sexual assault, or criminal sexual~~
16 ~~assault,~~

17 ~~(B) The court has made a finding that the minor was~~
18 ~~at least 13 years of age at the time the offense was~~
19 ~~committed and the conviction was based upon the minor's~~
20 ~~commission of: (i) an offense in furtherance of the~~
21 ~~commission of a felony as a member of or on behalf of a~~
22 ~~criminal street gang, (ii) an offense involving the use~~
23 ~~of a firearm in the commission of a felony, (iii) a~~
24 ~~Class X felony offense under or a second or subsequent~~
25 ~~Class 2 or greater felony offense under the Cannabis~~
26 ~~Control Act, (iv) a second or subsequent offense under~~

1 ~~Section 402 of the Illinois Controlled Substances Act,~~
2 ~~(v) an offense under Section 401 of the Illinois~~
3 ~~Controlled Substances Act, (vi) an act that would be a~~
4 ~~second or subsequent offense under Section 60 of the~~
5 ~~Methamphetamine Control and Community Protection Act,~~
6 ~~or (vii) an act that would be an offense under another~~
7 ~~Section of the Methamphetamine Control and Community~~
8 ~~Protection Act.~~

9 (D) Pending or following any adjudication of delinquency
10 for any offense defined in Sections 11-1.20 through 11-1.60 or
11 12-13 through 12-16 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, the victim of any such offense shall
13 receive the rights set out in Sections 4 and 6 of the Bill of
14 Rights for Victims and Witnesses of Violent Crime Act; and the
15 juvenile who is the subject of the adjudication,
16 notwithstanding any other provision of this Act, shall be
17 treated as an adult for the purpose of affording such rights to
18 the victim.

19 (E) Nothing in this Section shall affect the right of a
20 Civil Service Commission or appointing authority of any state,
21 county or municipality examining the character and fitness of
22 an applicant for employment with a law enforcement agency,
23 correctional institution, or fire department to ascertain
24 whether that applicant was ever adjudicated to be a delinquent
25 minor and, if so, to examine the records of disposition or
26 evidence which were made in proceedings under this Act.

1 (F) Following any adjudication of delinquency for a crime
2 which would be a felony if committed by an adult, or following
3 any adjudication of delinquency for a violation of Section
4 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, the State's Attorney shall ascertain
6 whether the minor respondent is enrolled in school and, if so,
7 shall provide a copy of the dispositional order to the
8 principal or chief administrative officer of the school. Access
9 to such juvenile records shall be limited to the principal or
10 chief administrative officer of the school and any guidance
11 counselor designated by him.

12 (G) Nothing contained in this Act prevents the sharing or
13 disclosure of information or records relating or pertaining to
14 juveniles subject to the provisions of the Serious Habitual
15 Offender Comprehensive Action Program when that information is
16 used to assist in the early identification and treatment of
17 habitual juvenile offenders.

18 (H) When a Court hearing a proceeding under Article II of
19 this Act becomes aware that an earlier proceeding under Article
20 II had been heard in a different county, that Court shall
21 request, and the Court in which the earlier proceedings were
22 initiated shall transmit, an authenticated copy of the Court
23 record, including all documents, petitions, and orders filed
24 therein and the minute orders, transcript of proceedings, and
25 docket entries of the Court.

26 (I) The Clerk of the Circuit Court shall report to the

1 Department of State Police, in the form and manner required by
2 the Department of State Police, the final disposition of each
3 minor who has been arrested or taken into custody before his or
4 her 18th birthday for those offenses required to be reported
5 under Section 5 of the Criminal Identification Act. Information
6 reported to the Department under this Section may be maintained
7 with records that the Department files under Section 2.1 of the
8 Criminal Identification Act.

9 (J) The changes made to this Section by Public Act 98-61
10 apply to law enforcement records of a minor who has been
11 arrested or taken into custody on or after January 1, 2014 (the
12 effective date of Public Act 98-61).

13 (K) Willful violation of this Section is a Class C
14 misdemeanor and each violation is subject to a fine of \$1,000.
15 This subsection (K) shall not apply to the person who is the
16 subject of the record.

17 (L) A person convicted of violating this Section is liable
18 for damages in the amount of \$1,000 or actual damages,
19 whichever is greater.

20 (Source: P.A. 97-813, eff. 7-13-12; 97-1150, eff. 1-25-13;
21 98-61, eff. 1-1-14; 98-552, eff. 8-27-13; 98-756, eff.
22 7-16-14.)

23 (705 ILCS 405/5-915)

24 Sec. 5-915. Expungement of juvenile law enforcement and
25 court records.

1 (0.05) For purposes of this Section ~~and Section 5-622:~~

2 "Dissemination" or "disseminate" means to publish,
3 produce, print, manufacture, distribute, sell, lease,
4 exhibit, broadcast, display, transmit, or otherwise share
5 information in any format so as to make the information
6 accessible to others.

7 "Expunge" means to physically destroy the records and
8 to obliterate the minor's name and juvenile court records
9 from any official index, ~~or~~ public record, or electronic
10 database both. No evidence of the juvenile court records
11 may be retained by any law enforcement agency, the juvenile
12 court, or by any municipal, county, or State agency or
13 department. Nothing in this Act shall require the physical
14 destruction of the internal office records, files, or
15 databases maintained by a State's Attorney's Office or
16 other prosecutor.

17 "Juvenile court record" includes, but is not limited
18 to:

19 (a) all documents filed in or maintained by the
20 juvenile court pertaining to a specific incident,
21 proceeding, or individual;

22 (b) all documents relating to a specific incident,
23 proceeding, or individual made available to or maintained
24 by probation officers;

25 (c) all documents, video or audio tapes,
26 photographs, and exhibits admitted into evidence at

1 juvenile court hearings; or

2 (d) all documents, transcripts, records, reports
3 or other evidence prepared by, maintained by, or released
4 by any municipal, county, or state agency or department, in
5 any format, if indicating involvement with the juvenile
6 court relating to a specific incident, proceeding, or
7 individual.

8 "Law enforcement record" includes but is not limited to
9 records of arrest, station adjustments, fingerprints,
10 probation adjustments, the issuance of a notice to appear,
11 or any other records or documents maintained by any a law
12 enforcement agency relating to a minor suspected of
13 committing an offense or evidence of interaction with law
14 enforcement.

15 (0.1) (a) The Department of State Police and all law
16 enforcement agencies within the State shall automatically
17 expunge, on or before January 1 of each year, all law
18 enforcement records relating to events occurring before an
19 individual's 18th birthday if:

20 (1) one year or more has elapsed since the date of the
21 arrest or law enforcement interaction documented in the
22 records;

23 (2) no petition for delinquency or criminal charges
24 were filed with the clerk of the circuit court relating to
25 the arrest or law enforcement interaction documented in the
26 records; and

1 (3) 6 months have elapsed without an additional
2 subsequent arrest or filing of a petition for delinquency
3 or criminal charges whether related or not to the arrest or
4 law enforcement interaction documented in the records.

5 (b) If the law enforcement agency is unable to verify
6 satisfaction of conditions (2) and (3) of this subsection
7 (0.1), records that satisfy condition (1) of this subsection
8 (0.1) shall be automatically expunged if the records relate to
9 an offense that if committed by an adult would not be an
10 offense classified as Class 2 felony or higher, an offense
11 under Article 11 of the Criminal Code of 1961 or Criminal Code
12 of 2012, or an offense under 12-13, 12-14, 12-14.1, 12-15, or
13 12-16 of the Criminal Code of 1961.

14 (0.2) (a) Upon dismissal of a petition alleging delinquency
15 or upon a finding of not delinquent, the successful termination
16 of an order of supervision, or an adjudication for an offense
17 which would be a Class B misdemeanor, Class C misdemeanor, or a
18 petty or business offense if committed by an adult, the court
19 shall automatically order the expungement of the juvenile court
20 and law enforcement records within 5 business days.

21 (b) If the chief law enforcement officer of the agency, or
22 his or her designee, certifies in writing that certain
23 information is needed for a pending investigation involving the
24 commission of a felony, that information, and information
25 identifying the juvenile, may be retained in an intelligence
26 file until the investigation is terminated or for one

1 additional year, whichever is sooner. Retention of a portion of
2 a juvenile's law enforcement record does not disqualify the
3 remainder of his or her record from immediate automatic
4 expungement.

5 (0.3) (a) Upon an adjudication of delinquency based on any
6 offense except first degree murder, the juvenile court shall
7 automatically order the expungement of the juvenile records 2
8 years after the juvenile's case was closed if no delinquency or
9 criminal proceeding is pending and the person has had no
10 subsequent delinquency adjudication or criminal conviction.
11 The court shall automatically order the expungement of the
12 juvenile court and law enforcement records within 5 business
13 days.

14 (b) If the chief law enforcement officer of the agency, or
15 his or her designee, certifies in writing that certain
16 information is needed for a pending investigation involving the
17 commission of a felony, that information, and information
18 identifying the juvenile, may be retained in an intelligence
19 file until the investigation is terminated or for one
20 additional year, whichever is sooner. Retention of a portion of
21 a juvenile's law enforcement record does not disqualify the
22 remainder of his or her record from immediate automatic
23 expungement.

24 (1) Nothing in this subsection (1) precludes an eligible
25 minor from obtaining expungement under subsections (0.1),
26 (0.2), or (0.3). Whenever a person has been arrested, charged,

1 or adjudicated delinquent for an incident occurring before his
2 or her 18th birthday that if committed by an adult would be an
3 offense, and that person's records are not eligible for
4 automatic expungement under subsections (0.1), (0.2), or
5 (0.3), the person may petition the court at any time for
6 expungement of law enforcement records and juvenile court
7 records relating to the incident and upon termination of all
8 juvenile court proceedings relating to that incident, the court
9 shall order the expungement of all records in the possession of
10 the Department of State Police, the clerk of the circuit court,
11 and law enforcement agencies relating to the incident, but only
12 in any of the following circumstances:

13 (a) the minor was arrested and no petition for
14 delinquency was filed with the clerk of the circuit court;

15 (a-5) the minor was charged with an offense and the
16 petition or petitions were dismissed without a finding of
17 delinquency;

18 (b) the minor was charged with an offense and was found
19 not delinquent of that offense;

20 (c) the minor was placed under supervision pursuant to
21 Section 5-615, and the order of supervision has since been
22 successfully terminated; or

23 (d) the minor was adjudicated for an offense ~~which~~
24 ~~would be a Class B misdemeanor, Class C misdemeanor, or a~~
25 ~~petty or business offense if committed by an adult.~~

26 (1.5) (Blank). ~~Commencing 180 days after the effective date~~

1 ~~of this amendatory Act of the 98th General Assembly, the~~
2 ~~Department of State Police shall automatically expunge, on or~~
3 ~~before January 1 of each year, a person's law enforcement~~
4 ~~records which are not subject to subsection (1) relating to~~
5 ~~incidents occurring before his or her 18th birthday in the~~
6 ~~Department's possession or control and which contains the final~~
7 ~~disposition which pertain to the person when arrested as a~~
8 ~~minor if:~~

9 ~~(a) the minor was arrested for an eligible offense and~~
10 ~~no petition for delinquency was filed with the clerk of the~~
11 ~~circuit court; and~~

12 ~~(b) the person attained the age of 18 years during the~~
13 ~~last calendar year; and~~

14 ~~(c) since the date of the minor's most recent arrest,~~
15 ~~at least 6 months have elapsed without an additional~~
16 ~~arrest, filing of a petition for delinquency whether~~
17 ~~related or not to a previous arrest, or filing of charges~~
18 ~~not initiated by arrest.~~

19 The Department of State Police shall allow a person to use
20 the Access and Review process, established in the Department of
21 State Police, for verifying that his or her law enforcement
22 records relating to incidents occurring before his or her 18th
23 birthday eligible under this subsection have been expunged as
24 provided in subsection (0.1) of this Section ~~this subsection.~~

25 ~~The Department of State Police shall provide by rule the~~
26 ~~process for access, review, and automatic expungement.~~

1 (1.6) (Blank). ~~Commencing on the effective date of this~~
2 ~~amendatory Act of the 98th General Assembly, a person whose law~~
3 ~~enforcement records are not subject to subsection (1) or (1.5)~~
4 ~~of this Section and who has attained the age of 18 years may~~
5 ~~use the Access and Review process, established in the~~
6 ~~Department of State Police, for verifying his or her law~~
7 ~~enforcement records relating to incidents occurring before his~~
8 ~~or her 18th birthday in the Department's possession or control~~
9 ~~which pertain to the person when arrested as a minor, if the~~
10 ~~incident occurred no earlier than 30 years before the effective~~
11 ~~date of this amendatory Act of the 98th General Assembly. If~~
12 ~~the person identifies a law enforcement record of an eligible~~
13 ~~offense that meets the requirements of this subsection,~~
14 ~~paragraphs (a) and (c) of subsection (1.5) of this Section, and~~
15 ~~all juvenile court proceedings related to the person have been~~
16 ~~terminated, the person may file a Request for Expungement of~~
17 ~~Juvenile Law Enforcement Records, in the form and manner~~
18 ~~prescribed by the Department of State Police, with the~~
19 ~~Department and the Department shall consider expungement of the~~
20 ~~record as otherwise provided for automatic expungement under~~
21 ~~subsection (1.5) of this Section. The person shall provide~~
22 ~~notice and a copy of the Request for Expungement of Juvenile~~
23 ~~Law Enforcement Records to the arresting agency, prosecutor~~
24 ~~charged with the prosecution of the minor, or the State's~~
25 ~~Attorney of the county that prosecuted the minor. The~~
26 ~~Department of State Police shall provide by rule the process~~

1 ~~for access, review, and Request for Expungement of Juvenile Law~~
2 ~~Enforcement Records.~~

3 (1.7) (Blank). ~~Nothing in subsections (1.5) and (1.6) of~~
4 ~~this Section precludes a person from filing a petition under~~
5 ~~subsection (1) for expungement of records subject to automatic~~
6 ~~expungement under that subsection (1) or subsection (1.5) or~~
7 ~~(1.6) of this Section.~~

8 (1.8) (Blank). ~~For the purposes of subsections (1.5) and~~
9 ~~(1.6) of this Section, "eligible offense" means records~~
10 ~~relating to an arrest or incident occurring before the person's~~
11 ~~18th birthday that if committed by an adult is not an offense~~
12 ~~classified as a Class 2 felony or higher offense, an offense~~
13 ~~under Article 11 of the Criminal Code of 1961 or the Criminal~~
14 ~~Code of 2012, or an offense under Section 12-13, 12-14,~~
15 ~~12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.~~

16 (2) Any person whose delinquency adjudications are not
17 eligible for automatic expungement under subsection (0.3) of
18 this Section may petition the court to expunge all law
19 enforcement records relating to any incidents occurring before
20 his or her 18th birthday which did not result in proceedings in
21 criminal court and all juvenile court records with respect to
22 any adjudications except those based upon first degree murder;
23 ~~and sex offenses which would be felonies if committed by an~~
24 ~~adult, if the person for whom expungement is sought has had no~~
25 ~~convictions for any crime since his or her 18th birthday and:~~

26 (a) (blank); or ~~has attained the age of 21 years; or~~

1 (b) 2 ~~5~~ years have elapsed since all juvenile court
2 proceedings relating to him or her have been terminated and
3 ~~or~~ his or her commitment to the Department of Juvenile
4 Justice under ~~pursuant to~~ this Act has been terminated. ~~+~~
5 ~~whichever is later of (a) or (b). Nothing in this Section 5-915~~
6 ~~precludes a minor from obtaining expungement under Section~~
7 ~~5-622.~~

8 (2.5) If a minor is arrested and no petition for
9 delinquency is filed with the clerk of the circuit court ~~as~~
10 ~~provided in paragraph (a) of subsection (1)~~ at the time the
11 minor is released from custody, the youth officer, if
12 applicable, or other designated person from the arresting
13 agency, shall notify verbally and in writing to the minor or
14 the minor's parents or guardians ~~that the minor has a right to~~
15 ~~petition to have his or her arrest record expunged when all~~
16 ~~juvenile court proceedings relating to that minor have been~~
17 ~~terminated and that unless a petition to expunge is filed,~~ the
18 minor shall have an arrest record and shall provide the minor
19 and the minor's parents or guardians with an expungement
20 information packet, information regarding this State's
21 expungement laws including a petition to expunge juvenile
22 records obtained from the clerk of the circuit court.

23 (2.6) If a minor is referred to court ~~charged with an~~
24 ~~offense and is found not delinquent of that offense; or if a~~
25 ~~minor is placed under supervision under Section 5-615, and the~~
26 ~~order of supervision is successfully terminated; or if a minor~~

1 ~~is adjudicated for an offense that would be a Class B~~
2 ~~misdemeanor, a Class C misdemeanor, or a business or petty~~
3 ~~offense if committed by an adult; or if a minor has incidents~~
4 ~~occurring before his or her 18th birthday that have not~~
5 ~~resulted in proceedings in criminal court, or resulted in~~
6 ~~proceedings in juvenile court, and the adjudications were not~~
7 ~~based upon first degree murder or sex offenses that would be~~
8 ~~felonies if committed by an adult;~~ then at the time of
9 sentencing or dismissal of the case, or successful completion
10 of supervision, the judge shall inform the delinquent minor of
11 his or her rights regarding expungement ~~right to petition for~~
12 ~~expungement as provided by law,~~ and the clerk of the circuit
13 court shall provide an expungement information packet to the
14 ~~delinquent~~ minor, written in plain language, including
15 information regarding this State's expungement laws and a
16 petition for expungement, a sample of a completed petition,
17 expungement instructions that shall include information
18 informing the minor that (i) once the case is expunged, it
19 shall be treated as if it never occurred, (ii) he or she may
20 apply to have petition fees waived, (iii) once he or she
21 obtains an expungement, he or she may not be required to
22 disclose that he or she had a juvenile record, and (iv) if
23 petitioning he or she may file the petition on his or her own
24 or with the assistance of an attorney. The failure of the judge
25 to inform the delinquent minor of his or her right to petition
26 for expungement as provided by law does not create a

1 substantive right, nor is that failure grounds for: (i) a
2 reversal of an adjudication of delinquency, (ii) a new trial;
3 or (iii) an appeal.

4 (2.7) (Blank). ~~For counties with a population over~~
5 ~~3,000,000, the clerk of the circuit court shall send a~~
6 ~~"Notification of a Possible Right to Expungement" post card to~~
7 ~~the minor at the address last received by the clerk of the~~
8 ~~circuit court on the date that the minor attains the age of 18~~
9 ~~based on the birthdate provided to the court by the minor or~~
10 ~~his or her guardian in cases under paragraphs (b), (c), and (d)~~
11 ~~of subsection (1); and when the minor attains the age of 21~~
12 ~~based on the birthdate provided to the court by the minor or~~
13 ~~his or her guardian in cases under subsection (2).~~

14 (2.8) The petition for expungement for subsection (1) and
15 (2) may include multiple offenses on the same petition and
16 shall be substantially in the following form:

17 IN THE CIRCUIT COURT OF, ILLINOIS
18 JUDICIAL CIRCUIT

19 IN THE INTEREST OF) NO.
20)
21)
22)
23 (Name of Petitioner)

(705 ILCS 405/5-915 (SUBSECTION 1 AND 2))

Now comes, petitioner, and respectfully requests that this Honorable Court enter an order expunging all juvenile law enforcement and court records of petitioner and in support thereof states that: ~~Petitioner has attained the age of, his/her birth date being, or all Juvenile Court proceedings terminated as of, whichever occurred later.~~ Petitioner was arrested on by the Police Department for the offense or offenses of, and:

(Check All That Apply:)

() a. no petition or petitions were filed with the Clerk of the Circuit Court.

() b. was charged with and was found not delinquent of the offense or offenses.

() c. a petition or petitions were filed and the petition or petitions were dismissed without a finding of delinquency on

() d. on placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on

() e. was adjudicated for the offense or offenses, ~~which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.~~

() f. was adjudicated for a Class A misdemeanor or felony, except first degree murder, and 2 years have passed since the adjudication.

1 Petitioner has has not been arrested on charges in
2 this or any county other than the charges listed above. If
3 petitioner has been arrested on additional charges, please list
4 the charges below:

5 Charge(s):

6 Arresting Agency or Agencies:

7 Disposition/Result: (choose from a. through e., above):

8 WHEREFORE, the petitioner respectfully requests this Honorable
9 Court to (1) order all law enforcement agencies to expunge all
10 records of petitioner to this incident or incidents, and (2) to
11 order the Clerk of the Court to expunge all records concerning
12 the petitioner regarding this incident or incidents.

13

14 Petitioner (Signature)

15

16 Petitioner's Street Address

17

18 City, State, Zip Code

19

20 Petitioner's Telephone Number

21 Pursuant to the penalties of perjury under the Code of Civil

1 Procedure, 735 ILCS 5/1-109, I hereby certify that the
2 statements in this petition are true and correct, or on
3 information and belief I believe the same to be true.

4
5 Petitioner (Signature)

6 ~~The Petition for Expungement for subsection (2) shall be~~
7 ~~substantially in the following form:~~

8 ~~IN THE CIRCUIT COURT OF, ILLINOIS~~
9 ~~..... JUDICIAL CIRCUIT~~

10 ~~IN THE INTEREST OF) NO.~~
11 ~~_____)~~
12 ~~_____)~~
13 ~~.....)~~
14 ~~(Name of Petitioner)~~

15 ~~PETITION TO EXPUNGE JUVENILE RECORDS~~
16 ~~(705 ILCS 405/5-915 (SUBSECTION 2))~~

17 ~~(Please prepare a separate petition for each offense)~~

18 ~~Now comes, petitioner, and respectfully requests~~
19 ~~that this Honorable Court enter an order expunging all Juvenile~~
20 ~~Law Enforcement and Court records of petitioner and in support~~
21 ~~thereof states that:~~

22 ~~The incident for which the Petitioner seeks expungement~~

1 ~~occurred before the Petitioner's 18th birthday and did not~~
2 ~~result in proceedings in criminal court and the Petitioner has~~
3 ~~not had any convictions for any crime since his/her 18th~~
4 ~~birthday; and~~

5 ~~The incident for which the Petitioner seeks expungement~~
6 ~~occurred before the Petitioner's 18th birthday and the~~
7 ~~adjudication was not based upon first degree murder or sex~~
8 ~~offenses which would be felonies if committed by an adult, and~~
9 ~~the Petitioner has not had any convictions for any crime since~~
10 ~~his/her 18th birthday.~~

11 ~~Petitioner was arrested on by the Police~~
12 ~~Department for the offense of, and:~~

13 ~~(Check whichever one occurred the latest:)~~

14 ~~() a. The Petitioner has attained the age of 21 years, his/her~~
15 ~~birthday being; or~~

16 ~~() b. 5 years have elapsed since all juvenile court~~
17 ~~proceedings relating to the Petitioner have been terminated; or~~
18 ~~the Petitioner's commitment to the Department of Juvenile~~
19 ~~Justice pursuant to the expungement of juvenile law enforcement~~
20 ~~and court records provisions of the Juvenile Court Act of 1987~~
21 ~~has been terminated. Petitioner ...has ...has not been arrested~~
22 ~~on charges in this or any other county other than the charge~~
23 ~~listed above. If petitioner has been arrested on additional~~
24 ~~charges, please list the charges below:~~

25 ~~Charge(s) :~~

26 ~~Arresting Agency or Agencies :~~

1 ~~Disposition/Result: (choose from a or b, above):~~

2 ~~WHEREFORE, the petitioner respectfully requests this Honorable~~
3 ~~Court to (1) order all law enforcement agencies to expunge all~~
4 ~~records of petitioner related to this incident, and (2) to~~
5 ~~order the Clerk of the Court to expunge all records concerning~~
6 ~~the petitioner regarding this incident.~~

7 ~~.....~~

8 ~~Petitioner (Signature)~~

9 ~~.....~~

10 ~~Petitioner's Street Address~~

11 ~~.....~~

12 ~~City, State, Zip Code~~

13 ~~.....~~

14 ~~Petitioner's Telephone Number~~

15 ~~Pursuant to the penalties of perjury under the Code of Civil~~
16 ~~Procedure, 735 ILCS 5/1-109, I hereby certify that the~~
17 ~~statements in this petition are true and correct, or on~~
18 ~~information and belief I believe the same to be true.~~

19 ~~.....~~

20 ~~Petitioner (Signature)~~

21 (3) The chief judge of the circuit in which an arrest was
22 made or a charge was brought or any judge of that circuit

1 designated by the chief judge may, upon verified petition of a
2 person who is the subject of an arrest or a juvenile court
3 proceeding under subsection (1) or (2) of this Section, order
4 the law enforcement records or official court file, or both, to
5 be expunged from the official records of the arresting
6 authority, the clerk of the circuit court and the Department of
7 State Police. The person whose records are to be expunged shall
8 petition the court using the appropriate form containing his or
9 her current address and shall promptly notify the clerk of the
10 circuit court of any change of address. Notice of the petition
11 shall be served upon the State's Attorney or prosecutor charged
12 with the duty of prosecuting the offense, the Department of
13 State Police, and the arresting agency or agencies by the clerk
14 of the circuit court. If an objection is filed within 45 days
15 of the notice of the petition, the clerk of the circuit court
16 shall set a date for hearing after the 45-day ~~45-day~~ objection
17 period. At the hearing the court shall hear evidence on whether
18 the expungement should or should not be granted. Unless the
19 State's Attorney or prosecutor, the Department of State Police,
20 or an arresting agency objects to the expungement within 45
21 days of the notice, the court may enter an order granting
22 expungement. The clerk shall forward a certified copy of the
23 order to the Department of State Police and deliver a certified
24 copy of the order to the arresting agency.

25 (3.1) The Notice of Expungement shall be in substantially
26 the following form:

1 IN THE CIRCUIT COURT OF, ILLINOIS
 2 JUDICIAL CIRCUIT

3 IN THE INTEREST OF) NO.
 4)
 5)
 6 )
 7 (Name of Petitioner)

8 NOTICE

9 TO: State's Attorney
 10 TO: Arresting Agency

11
 12
 13
 14
 15
 16

17 TO: Illinois State Police

18
 19
 20
 21

22 ATTENTION: Expungement

23 You are hereby notified that on, at, in courtroom
 24 ..., located at ..., before the Honorable ..., Judge, or any

1 judge sitting in his/her stead, I shall then and there present
2 a Petition to Expunge Juvenile records in the above-entitled
3 matter, at which time and place you may appear.

4

5 Petitioner's Signature

6

7 Petitioner's Street Address

8

9 City, State, Zip Code

10

11 Petitioner's Telephone Number

12 PROOF OF SERVICE

13 On the day of, 20..., I on oath state that I
14 served this notice and true and correct copies of the
15 above-checked documents by:

16 (Check One:)

17 delivering copies personally to each entity to whom they are
18 directed;

19 or

20 by mailing copies to each entity to whom they are directed by
21 depositing the same in the U.S. Mail, proper postage fully
22 prepaid, before the hour of 5:00 p.m., at the United States
23 Postal Depository located at

24

25

26 Signature

1 Clerk of the Circuit Court or Deputy Clerk

2 Printed Name of Delinquent Minor/Petitioner:

3 Address:

4 Telephone Number:

5 (3.2) The Order of Expungement shall be in substantially
6 the following form:

7 IN THE CIRCUIT COURT OF, ILLINOIS

8 JUDICIAL CIRCUIT

9 IN THE INTEREST OF) NO.

10)

11)

12)

13 (Name of Petitioner)

14 DOB

15 Arresting Agency/Agencies

16 ORDER OF EXPUNGEMENT

17 (705 ILCS 405/5-915 (SUBSECTION 3))

18 This matter having been heard on the petitioner's motion and
19 the court being fully advised in the premises does find that
20 the petitioner is indigent or has presented reasonable cause to
21 waive all costs in this matter, IT IS HEREBY ORDERED that:

22 () 1. Clerk of Court and Department of State Police costs
23 are hereby waived in this matter.

24 () 2. The Illinois State Police Bureau of Identification

1 and the following law enforcement agencies expunge all records
2 of petitioner relating to an arrest dated for the
3 offense of

4 Law Enforcement Agencies:
5
6

7 () 3. IT IS FURTHER ORDERED that the Clerk of the Circuit
8 Court expunge all records regarding the above-captioned case.

9 ENTER:

10

11 JUDGE

12 DATED:

13 Name:

14 Attorney for:

15 Address: City/State/Zip:

16 Attorney Number:

17 (3.3) The Notice of Objection shall be in substantially the
18 following form:

19 IN THE CIRCUIT COURT OF, ILLINOIS
20 JUDICIAL CIRCUIT

21 IN THE INTEREST OF) NO.

22)

23)

24)

25 (Name of Petitioner)

NOTICE OF OBJECTION

TO: (Attorney, Public Defender, Minor)

.....

.....

TO: (Illinois State Police)

.....

.....

TO: (Clerk of the Court)

.....

.....

TO: (Judge)

.....

.....

TO: (Arresting Agency/Agencies)

.....

.....

ATTENTION: You are hereby notified that an objection has been filed by the following entity regarding the above-named minor's petition for expungement of juvenile records:

- () State's Attorney's Office;
- () Prosecutor (other than State's Attorney's Office) charged with the duty of prosecuting the offense sought to be expunged;
- () Department of Illinois State Police; or
- () Arresting Agency or Agencies.

The agency checked above respectfully requests that this case

1 be continued and set for hearing on whether the expungement
2 should or should not be granted.

3 DATED:

4 Name:

5 Attorney For:

6 Address:

7 City/State/Zip:

8 Telephone:

9 Attorney No.:

10 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

11 This matter has been set for hearing on the foregoing
12 objection, on in room, located at, before the
13 Honorable, Judge, or any judge sitting in his/her stead.
14 (Only one hearing shall be set, regardless of the number of
15 Notices of Objection received on the same case).

16 A copy of this completed Notice of Objection containing the
17 court date, time, and location, has been sent via regular U.S.
18 Mail to the following entities. (If more than one Notice of
19 Objection is received on the same case, each one must be
20 completed with the court date, time and location and mailed to
21 the following entities):

22 () Attorney, Public Defender or Minor;

23 () State's Attorney's Office;

24 () Prosecutor (other than State's Attorney's Office) charged
25 with the duty of prosecuting the offense sought to be expunged;

26 () Department of Illinois State Police; and

1 () Arresting agency or agencies.

2 Date:

3 Initials of Clerk completing this section:

4 (4) (a) Upon entry of an order expunging records or files,
5 the offense, which the records or files concern shall be
6 treated as if it never occurred. Law enforcement officers and
7 other public offices and agencies shall properly reply on
8 inquiry that no record or file exists with respect to the
9 person.

10 (a-5) Local law enforcement agencies shall send written
11 notice to the minor of the expungement of any records within 60
12 days of automatic expungement or the date of service of an
13 expungement order, whichever applies. If a minor's court file
14 has been expunged, the clerk of the circuit court shall send
15 written notice to the minor of the expungement of any records
16 within 60 days of automatic expungement or the date of service
17 of an expungement order, whichever applies.

18 (b) Except with respect to authorized military personnel,
19 an expunged juvenile record may not be considered by any
20 private or public entity in employment matters, certification,
21 licensing, revocation of certification or licensure, or
22 registration. Applications for employment within the State
23 must contain specific language that states that the applicant
24 is not obligated to disclose expunged juvenile records of
25 adjudication or arrest. Employers may not ask, in any format or
26 context, if an applicant has had a juvenile record expunged.

1 Information about an expunged record obtained by a potential
2 employer, even inadvertently, from an employment application
3 that does not contain specific language that states that the
4 applicant is not obligated to disclose expunged juvenile
5 records of adjudication or arrest, shall be treated as
6 dissemination of an expunged record by the employer.

7 (c) A person whose juvenile records have been expunged is
8 not entitled to remission of any fines, costs, or other money
9 paid as a consequence of expungement.

10 (5) (Blank). ~~Records which have not been expunged are~~
11 ~~sealed, and may be obtained only under the provisions of~~
12 ~~Sections 5-901, 5-905 and 5-915.~~

13 (5.5) Whether or not expunged, records eligible for
14 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
15 (0.3) (a) may be treated as expunged by the individual subject
16 to the records.

17 (6) Nothing in this Section shall be construed to prohibit
18 the maintenance of information relating to an offense after
19 records or files concerning the offense have been expunged if
20 the information is kept in a manner that does not enable
21 identification of the individual ~~offender~~. This information
22 may only be used for anonymous statistical and bona fide
23 research purposes.

24 (6.5) The Department of State Police or any employee of the
25 Department shall be immune from civil or criminal liability for
26 failure to expunge any records of arrest that are subject to

1 expungement under ~~subsection (1.5) or (1.6)~~ of this Section
2 because of inability to verify a record. Nothing in ~~subsection~~
3 ~~(1.5) or (1.6)~~ of this Section shall create Department of State
4 Police liability or responsibility for the expungement of law
5 enforcement records it does not possess.

6 (7) (a) The State Appellate Defender shall establish,
7 maintain, and carry out, by December 31, 2004, a juvenile
8 expungement program to provide information and assistance to
9 minors eligible to have their juvenile records expunged.

10 (b) The State Appellate Defender shall develop brochures,
11 pamphlets, and other materials in printed form and through the
12 agency's World Wide Web site. The pamphlets and other materials
13 shall include at a minimum the following information:

14 (i) An explanation of the State's juvenile expungement
15 laws, including both automatic expungement and expungement
16 by petition process;

17 (ii) The circumstances under which juvenile
18 expungement may occur;

19 (iii) The juvenile offenses that may be expunged;

20 (iv) The steps necessary to initiate and complete the
21 juvenile expungement process; and

22 (v) Directions on how to contact the State Appellate
23 Defender.

24 (c) The State Appellate Defender shall establish and
25 maintain a statewide toll-free telephone number that a person
26 may use to receive information or assistance concerning the

1 expungement of juvenile records. The State Appellate Defender
2 shall advertise the toll-free telephone number statewide. The
3 State Appellate Defender shall develop an expungement
4 information packet that may be sent to eligible persons seeking
5 expungement of their juvenile records, which may include, but
6 is not limited to, a pre-printed expungement petition with
7 instructions on how to complete the petition and a pamphlet
8 containing information that would assist individuals through
9 the juvenile expungement process.

10 (d) The State Appellate Defender shall compile a statewide
11 list of volunteer attorneys willing to assist eligible
12 individuals through the juvenile expungement process.

13 (e) This Section shall be implemented from funds
14 appropriated by the General Assembly to the State Appellate
15 Defender for this purpose. The State Appellate Defender shall
16 employ the necessary staff and adopt the necessary rules for
17 implementation of this Section.

18 (7.5) (a) Willful dissemination of any information
19 contained in an expunged record shall be treated as a Class C
20 misdemeanor and punishable by a fine of \$1,000 per violation.

21 (b) Willful dissemination for financial gain of any
22 information contained in an expunged record shall be treated as
23 a Class 4 felony. Dissemination for financial gain by an
24 employee of any municipal, county, or State agency, including
25 law enforcement, shall result in immediate termination.

26 (c) The person whose record was expunged has a right of

1 action against any person who intentionally disseminates an
2 expunged record. In the proceeding, punitive damages up to an
3 amount of \$1,000 may be sought in addition to any actual
4 damages. The prevailing party shall be entitled to costs and
5 reasonable attorney fees.

6 (d) The punishments for dissemination of an expunged record
7 shall never apply to the person whose record was expunged.

8 (8) (a) ~~An Except with respect to law enforcement agencies,~~
9 ~~the Department of Corrections, State's Attorneys, or other~~
10 ~~prosecutors,~~ an expunged juvenile record may not be considered
11 by any private or public entity in employment matters,
12 certification, licensing, revocation of certification or
13 licensure, or registration. Applications for employment must
14 contain specific language that states that the applicant is not
15 obligated to disclose expunged juvenile records of
16 adjudication, conviction, or arrest. Employers may not ask if
17 an applicant has had a juvenile record expunged. Effective
18 January 1, 2005, the Department of Labor shall develop a link
19 on the Department's website to inform employers that employers
20 may not ask if an applicant had a juvenile record expunged and
21 that application for employment must contain specific language
22 that states that the applicant is not obligated to disclose
23 expunged juvenile records of adjudication, arrest, or
24 conviction.

25 ~~(b) A person whose juvenile records have been expunged is~~
26 ~~not entitled to remission of any fines, costs, or other money~~

1 ~~paid as a consequence of expungement. This amendatory Act of~~
2 ~~the 93rd General Assembly does not affect the right of the~~
3 ~~victim of a crime to prosecute or defend a civil action for~~
4 ~~damages.~~

5 (c) The expungement of juvenile records under subsections
6 0.1, 0.2, or 0.3 of this Section ~~Section 5-622~~ shall be funded
7 by the additional fine imposed under Section 5-9-1.17 of the
8 Unified Code of Corrections ~~and additional appropriations made~~
9 ~~by the General Assembly for such purpose.~~

10 (9) (Blank). ~~The changes made to this Section by Public Act~~
11 ~~98-61 apply to law enforcement records of a minor who has been~~
12 ~~arrested or taken into custody on or after January 1, 2014 (the~~
13 ~~effective date of Public Act 98-61).~~

14 (10) (Blank). ~~The changes made in subsection (1.5) of this~~
15 ~~Section by this amendatory Act of the 98th General Assembly~~
16 ~~apply to law enforcement records of a minor who has been~~
17 ~~arrested or taken into custody on or after January 1, 2015. The~~
18 ~~changes made in subsection (1.6) of this Section by this~~
19 ~~amendatory Act of the 98th General Assembly apply to law~~
20 ~~enforcement records of a minor who has been arrested or taken~~
21 ~~into custody before January 1, 2015.~~

22 (Source: P.A. 98-61, eff. 1-1-14; 98-637, eff. 1-1-15; 98-756,
23 eff. 7-16-14; 99-835, eff. 1-1-17; 99-881, eff. 1-1-17; revised
24 9-2-16.)

1 Section 10. The Juvenile Court Act of 1987 is amended by
2 repealing Section 5-622".